

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAURA SELENE RIOS FLORES,

Defendant.

Case No. 17-cr-00321-BLF-1

**ORDER GRANTING DEFENDANT’S
MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE**

[Re: ECF 56]

Defendant Laura Selene Rios Flores (“Flores”) has filed a motion for early termination of supervised release. *See* Mot., ECF 56. At the request of the Court, Plaintiff United States of America (“the Government”) and the U.S. Probation Office (“Probation”) have filed responses to the motion. The Government “takes no position” on the motion, *see* Gov’t Resp., ECF 59, and Probation “has no objections to the early termination” of Flores’ supervised release, *see* Probation Letter, ECF 60. No hearing is required on Flores’ motion and the Court finds that the motion is appropriate for disposition without oral argument. *See* Fed. R. Crim. P. 32.1(c)(2) (no hearing required before modifying conditions of supervised release where relief sought is favorable to defendant and does not extend term of supervised release, and government receives notice of relief sought and does not object). The motion is GRANTED for the reasons set forth below.

On October 23, 2018, Flores pled guilty to Counts 1 and 2 of the Indictment, False Statement in Application for Passport in violation of 18 U.S.C. § 1542 (Count 1) and Use of Passport Secured by False Statement in violation of 18 U.S.C. § 1542 (Count 2). *See* Minute Entry, ECF 46. She was sentenced to a nine-month term of imprisonment followed by a three-year term of supervised release, and was ordered to pay a \$200 monetary penalty. *See* Judgment, ECF 52. Flores was released from prison on March 4, 2020. *See* Probation Letter.

1 Probation reports that Flores has completed approximately two years and four months of
 2 her three-year term of supervised release. *See* Probation Letter. She is forty-four years old and
 3 has maintained a stable residence and full-time employment. *See id.* She paid her monetary
 4 penalty soon after being placed on supervision and has been responsive to requests from
 5 Probation. *See id.* Flores has been compliant with all conditions of supervision, and there are no
 6 identifiable issues or circumstances that require further monitoring or assistance from Probation.
 7 *See id.* There is no evidence to suggest that Flores has engaged in criminal activity during
 8 supervision. *See id.* Flores states in her motion that she works at Vertex Leadership
 9 Development, Inc., and she supervises insurance license agents in all fifty states to make sure they
 10 are compliant with insurance companies. *See* Mot. at 2, ECF 56. She also states that she would
 11 like to apply for a California license to sell insurance, but she has to be off of supervised release in
 12 order to apply.

13 A district court may, after considering a specified subset of the sentencing factors
 14 enumerated in 18 U.S.C. § 3553(a), “terminate a term of supervised release . . . at any time after
 15 the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by
 16 the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). “The
 17 expansive phrases ‘conduct of the defendant’ and ‘interest of justice’ make clear that a district
 18 court enjoys discretion to consider a wide range of circumstances when determining whether to
 19 grant early termination.” *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014). The Ninth
 20 Circuit recently clarified in *Ponce* that the district court need not find undue hardship or
 21 exceptional circumstances to terminate supervised release. *See United States v. Ponce*, 22 F.4th
 22 1045, 1047 (9th Cir. 2022).

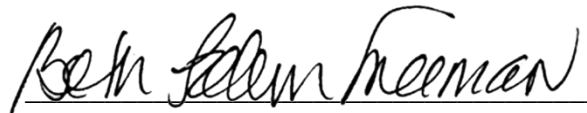
23 The subset of sentencing factors identified in § 3583(e) as relevant to the decision whether
 24 to terminate supervised release include: “the nature and circumstances of the offense and the
 25 history and characteristics of the defendant,” § 3553(a)(1); the need for the sentence “to afford
 26 adequate deterrence to criminal conduct,” § 3553(a)(2)(B); the need for the sentence “to protect
 27 the public from further crimes of the defendant,” § 3553(a)(2)(C); the need for the sentence “to
 28 provide the defendant with needed educational or vocational training, medical care, or other

1 correctional treatment in the most effective manner,” § 3553(a)(2)(D); “the kinds of sentence and
2 the sentencing range established for” similar offenses, § 3553(a)(4); “any pertinent policy
3 statement” issued by the Sentencing Commission, § 3553(a)(5); “the need to avoid unwarranted
4 sentence disparities among defendants with similar records who have been found guilty of similar
5 conduct,” § 3553(a)(6); and “the need to provide restitution to any victims of the offense,” §
6 3553(a)(7). *See* 18 U.S.C. § 3583(e). The district court need not discuss every statutory factor,
7 but it must provide an explanation for its ruling that is sufficient to permit meaningful appellate
8 review. *See Emmett*, 749 F.3d at 821.

9 Several of these factors weigh heavily in favor of granting the current motion. While
10 Flores’s offenses were serious, she has served her full term of imprisonment and the majority of
11 her term of supervised release. She has re-integrated into society, has complied with her
12 conditions of supervision in all respects, and has not given any indication that she poses a risk to
13 the community. Flores has maintained a stable residence and full-time employment, and she seeks
14 termination of supervision so that she may increase her employment opportunities. Neither the
15 Government nor Probation opposes Flores’ motion. On this record, the Court finds that early
16 termination of Flores’ term of supervised release “is warranted by the conduct of the defendant
17 released and the interest of justice.” 18 U.S.C. § 3583(e)(1).

18 Accordingly, IT IS HEREBY ORDERED that Flores’ motion for early termination of
19 supervised release is GRANTED.

20
21 Dated: July 22, 2022



BETH LABSON FREEMAN
United States District Judge